

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Jean Morris**
9212 Washington St
Kansas City, MO 64114

From: **St. Louis District Office**
1222 Spruce Street
Room 8.100
Saint Louis, MO 63103



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

28E-2016-01787

Joseph J. Wilson,
State & Local Program Manager

(314) 539-7816

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice;** or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**



The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice.** Otherwise, your right to sue based on the above-numbered charge will be lost.



The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

James R. Neely, Jr.,
Director

May 9, 2017*(Date Mailed)*

Enclosures(s)

cc: **COX ENTERPRISES INC ET AL**
3003 Summit Blvd Ste. 200
Atlanta, GA 30319
Russell Jones
KILPATRICK TOWNSEND & STOCKTON LLP
1100 Peachtree Street NE, Suite 2800
Atlanta, GA 30309

Anne Schiavone
ATTORNEY AT LAW
HOLMAN SCHIAVONE, LLC
4600 Madison Ste 810
Kansas City, MO 64112

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
or the Age Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/00 to 12/1/00, you should file suit **before 7/1/02 -- not 12/1/02** -- in order to recover unpaid wages due for July 2000. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII and the ADA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice, if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. **If you need help in finding a lawyer, you may call (314) 539-7911 in St. Louis, (913) 551-6609 in Kansas City, or (405) 231-5349 in Oklahoma City.** If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly **in writing** and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice.** (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

CHARGE OF DISCRIMINATION		AGENCY <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	CHARGE NUMBER E-09/16-47250 26E-2016-101787
This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.			
Missouri Commission on Human Rights and EEOC			
<i>State or Local Agency, if any</i>			
NAME (Indicate Mr., Ms., Mrs.) Jean Morris		HOME TELEPHONE (Include Area Code) 816 616 5118	
STREET ADDRESS 9212 Washington Street		CITY, STATE AND ZIP CODE Kansas City, MO 64114	
		DATE OF BIRTH REDACTED	
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)			
NAME Cox Enterprises Inc.	NUMBER OF EMPLOYEES, MEMBERS 100+	TELEPHONE (Include Area Code)	
STREET ADDRESS 3003 Summit Blvd. Ste 200		CITY, STATE AND ZIP CODE Atlanta, GA 30319	
		COUNTY	
NAME Cox Automotive Inc. and Autotrader.com		TELEPHONE NUMBER (Include Area Code) FILED	
STREET ADDRESS 3003 Summit Blvd. Ste 200		CITY, STATE AND ZIP CODE Atlanta, GA 30319	
		COUNTY	
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))			
<input type="checkbox"/> RACE	<input type="checkbox"/> COLOR	<input checked="" type="checkbox"/> SEX	<input type="checkbox"/> RELIGION
<input checked="" type="checkbox"/> RETALIATION	<input type="checkbox"/> NATIONAL ORIGIN	<input type="checkbox"/> DISABILITY	<input checked="" type="checkbox"/> AGE
			OTHER (Specify)
			<input checked="" type="checkbox"/> CONTINUING ACTION
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
<p>I was employed by respondents for 9 years as an advertising consultant. My sales territory included Kansas and Missouri but was Missouri at the time of termination. In July of 2015 my supervisor, Mark Keller, asked if I would help cover an open territory after a colleague left the company. I agreed to do so and was looking forward to the opportunity. That same evening, my colleague Cassie Bajpeyi called me and asked about my meeting with Mark. I informed her of the additional territory I will be covering. She essentially threw a fit on the phone and said she wanted the territory. Ms. Bajpeyi is approximately 30 years old. I am 55 years old. Mark Keller, took the open territory away from me and gave it to Ms. Bajpeyi. Thereafter in September, October and November, Mr. Keller and the new regional sales director, Andy Lorenz, begin to reallocate my territory. My most profitable territories were given to Ms. Bajpeyi. At about this same time, another older female employee was also informed that she would be losing most of her territory. When Ms. Bajpeyi was given my territory I was then given her less desirable territory. Some of the accounts informed me that they did not want Ms. Bajpeyi to service them however the requests were ignored by upper level management. Mr. Keller also took accounts suffering neglect by Ms. Bajpeyi and that were in pending cancellation and transferred them to me without consultation or communication so that I would suffer the revenue loss instead of Ms. Bajpeyi. In December of 2015, I reported the discrimination. That same month I was put on a written warning and performance improvement plan by Mr. Keller. I made a written complaint of discrimination to HR at the end of February 2016. I also made a complaint about unethical conduct by Andy Lorenz. In the Spring of 2016 Andy Lorenz was fired for the violations I reported. Andy Lorenz and Mark Keller were close. Mark Keller was angry about my role in the termination of Mr. Lorenz in addition to my complaints of discrimination. In the Spring of 2016 I made my 2nd quarter goal by 140% and received a bonus. Yet in June of 2016, just months after my written complaint of discrimination and complaints of unethical conduct, I was put on a final written warning. I was</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the foregoing is true and correct.		NOTARY - (When necessary for State and Local Requirements) I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)	
Date 9/19/16 Charging Party (Signature) Jean Morris			

EEOC FORM 5 (10/04)

also being held to standards that others were not. At the end of July 2016, Mark Keller terminated my employment. I believe I was terminated as part of the company's pattern and practice of age and gender discrimination. I also believe my termination was in retaliation for my complaints of discrimination and unethical conduct. Ms. Bajpeyi has flirted with customers to the point that she has been asked not to handle an account. She constantly flirts with Mark Keller and behaves inappropriately yet she remains employed. As a result of the company's discriminatory and retaliatory conduct, I have suffered and will continue to suffer emotional distress and lost wages.

FILED

SEP 20 2016

MO Commission on Human Rights
Jefferson City Office